

IV. REMARKS

Claims 21 – 75 are pending. Claims 21, 25-26, 37, 39 – 40, 44, 47 – 48, 72 and 74 are amended.

No new matter is added by the amendments presented herein. Consideration of claims 21 – 75 in light of the following remarks is respectfully requested.

A. Information

In Applicant's immediately prior response, Applicant informed the Examiner that a Petition to Accept an Unintentionally Delayed Priority Claim filed in the subject application was filed on September 13, 2004. The unintentionally delayed priority claim is a claim under 35 U.S.C. § 119(e) for the benefit of U.S. Provisional Patent Application No. 60/403,997, filed August 17, 2002. Applicant received a Decision from the Petitions Office (mailed January 13, 2005) that the Petition to Accept an Unintentionally Delayed Priority Claim was GRANTED.

The Decision states that the Examiner will consider the priority claim and determine whether the subject application is entitled to the priority date of the provisional application. Applicant respectfully requests that the Examiner confirm that the subject application is entitled to the priority date of U.S. Provisional Patent Application No. 60/403,997, filed August 17, 2002.

Further, Applicant wishes to make the Examiner aware that a Request to Correct Inventorship and accompanying documents, were filed in the subject application on February 17, 2005. Applicant is currently awaiting the correction sought in the Request.

B. Response to Office Action

Applicant's immediately prior filed response (which was filed November 12, 2004) is alleged to be not fully responsive to the immediately prior Office Action. The basis for the allegation is that claims 21 – 75 are drawn to an invention that is patentable distinct from the claims elected in the application.

Applicant thanks the Examiner for discussing this allegation in a phone conversation with Applicant's attorney on February 28, 2005. Applicant has amended claim 21 to recite a double acting power lift and a valve system. Applicant wishes to note, however, that the recitation of "a lift mechanism" in the immediately prior version of claim 21 is supported by the specification (see, e.g., page 10, line 2), and would readily be understood by one of ordinary skill in the art.

In view of the foregoing, Applicant respectfully requests that the allegation of non-responsive be withdrawn.

C. Subject Matter of Applicant's Immediately Prior Response

Applicant's immediately prior filed response included new claims 21 – 75, amendments to the Abstract, and remarks regarding prior art, namely, U.S. Patent No. 4,576,508 to Dickinson, U.S. Patent No. 5,509,753 to Thompson and U.S. Patent No. 4,666,331 to Riley.


The present Office Action alleging non-responsiveness appears to be drawn to claims 21 – 75 only, and does not appear to extend to the amendments to the Abstract nor the remarks regarding the prior art. To ensure that the present response is complete, however, Applicant hereby incorporates herein the amendments to the Abstract and the remarks regarding the prior art presented in the immediately prior response.

CONCLUSION

Claims 21 – 75 are now pending in the present application. In view of the foregoing, allowance of all pending claims is respectfully requested. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Telephone: 214-651-5662
Facsimile: 214-200-0853
Dallas, Texas 75202-3789

Respectfully submitted,


Priscilla L. Ferguson
Registration No. 42,531

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